

AMENDED IN ASSEMBLY MAY 8, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 141

Introduced by Assembly Member Gorell

January 17, 2013

An act to amend Section 8605 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL’S DIGEST

AB 141, as amended, Gorell. Elections: write-in candidates.

Existing law provides for the name of a person written in on a ballot for a voter-nominated office at a direct primary election to be placed on the general election ballot as a candidate for that office if the person received, at the direct primary election, the highest number of votes cast for the office or the second highest number of votes cast for the office, except as provided.

This bill would require that a write-in candidate for a voter-nominated office, *in addition to being one of the top two vote-getters*, receive votes at the direct primary election equal in number to at least 1% of all votes cast for the office at the last preceding general election at which the office was filled in order for his or her name to be placed on the general election ballot as a candidate for that office. The bill also would make clarifying and conforming changes.

This bill would specify that its provisions become operative only if ACA 9 of the 2013–14 Regular Session is approved by the voters.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8605 of the Elections Code is amended
2 to read:

3 8605. A person whose name has been written in upon a ballot
4 for an office at the direct primary election may not have his or her
5 name placed upon the ballot as a candidate for that office for the
6 ensuing general election unless one of the following is applicable:

7 (a) At that direct primary election he or she received for a
8 partisan office votes equal in number to at least 1 percent of all
9 votes cast for the office at the last preceding general election at
10 which the office was filled. In the case of an office that has not
11 appeared on the ballot since its creation, the requisite number of
12 votes shall equal at least 1 percent of the number of all votes cast
13 for the office that had the least number of votes in the most recent
14 general election in the jurisdiction in which the write-in candidate
15 is seeking office.

16 (b) He or she is an independent nominee for a partisan office
17 pursuant to Part 2 (commencing with Section 8300).

18 (c) At that direct primary election he or she received for a
19 voter-nominated office the highest number of votes cast for that
20 office or the second highest number of votes cast for that office,
21 provided that he or she received votes equal in number to at least
22 1 percent of all votes cast for the office at the last preceding general
23 election at which the office was filled, except as provided by
24 subdivision (b) of Section 8142 or Section 8807.

25 SEC. 2. *This act shall become operative only if Assembly*
26 *Constitutional Amendment 9 of the 2013–14 Regular Session is*
27 *approved by the voters.*